

January 15, 1974

informality of this communication because time is of considerable essence. This is the last day for any decision on LB280. And unless your Body wishes to make some corrective action, I will sign the measure into law today. I wish to emphasize that I do not object to the intent of the bill. I wholeheartedly support the concept of better accountability in the formation of the audit oversight committee in the Legislature. The ability of the Legislature to examine and evaluate on-going programs and policies to hold public officials accountable for their performance and a discharge of their responsibility and to provide oversight on the departments and agencies of the State is vital to the proper functioning of the government. It is my understanding that of the 50 state legislatures, some 37 to date have established an audit and program evaluation staff as directly accountable to themselves instead of to an auditor in the executive branch as in LB280. This has been accomplished without transgressing on the judicial post-audit function of the State Auditor's office. The question then is where the responsibility for performance auditing as opposed to customary auditing really belongs. In the Congress, under the congressional created arm of that Body, we see the general accounting office operating effectively. The same is true in some 37 other state legislatures as mentioned. In the last session, we engaged in debates over 452 which I felt was an improper invasion of the Legislature and to the Executive Branch. LB280 I suggest is the opposite since I suggest the Legislature may be delegating a function that is generally reserved exclusively to the legislative branch. This is an important part of our checks and balance system. I wanted to give you the courtesy of calling this to your attention before I sign the bill. Yours very truly, J. James Exon, Governor.

PRESIDENT: To what purpose do you rise, Senator Carpenter?

SENATOR CARPENTER: Point of order in relationship to the Governor's message. This morning the Governor had a number of senators for breakfast which I presume is a general routine. Until he has invited all of the senators to have breakfast and discuss matters pertaining to legislation. One of the topics that came up this morning was 280, which was brought up by members of this committee, guests I guess is better. And the Governor was concerned that maybe the Legislature as a whole did not understand the full impact of LB280. He realized the vote was 46-0 and even if he had a desire to veto it and I don't know whether he has or not, but if he had, it would be rather ludicrous.....

(Begin Belt #10)

in regard to the votes. Now, his point is that this bill would give to the State Auditor a greater power, additional staff, and more money to go in the area, not only of the auditing of the funds themselves, but the auditing on the area beyond that in the area of the determination of the intent and the operation of the various bills which this body passes. And, I don't know what your judgment is. I only call this to your attention and the others who were there for any comments they might make, today is the last day that you can ask a bill to come back if you want to consider it. So with those few remarks, this is the last time you will have probably if you want to reconsider what you've done, if you didn't understand it as much as maybe we should. I don't know whether you did or not. I understand it. Now, whether others were similarly involved, I don't know, but the only purpose of the letter was the suggestion of some of the committee that he write to the Legislature, which he has, setting forth what he thinks maybe you should consider if you haven't already considered it. Now, if that is not the trend of what happened, those others who were there, I hope they would say to what extent they understood it differently.

PRESIDENT: Senator Whitney, do you care to respond?

SENATOR WHITNEY: Mr. President, members of the Legislature. I wish to speak just a moment on this LB280 and the Governor's response, his letter to us. I recall when the Constitutional